CIDAC
Centro de Docume
TL4950

service international pour les droits de l'homme
international service for human rights
servicio internacional para los derechos humanos

THE INTERNATIONAL RED CROSS COMMITTEE AND EAST TIMOR

Note for the solidarity groups with East Timor at the request of the Solidarity meeting held in Amsterdam, June 14-15/1986

Introduction

During the recent solidarity conference held in Amsterdam, the activities of various agencies in Timor have been discussed. Amongst them the International Red Cross Committee. The discussion took place on the basis of a short report presented by the International Service on Human Rights. Various participants felt uneasy with the informations on the Red Cross activities, as well as with the lack of reaction from the International Red Cross Committee to previous letters concerning this question. It was therefore decided that the International Service would prepare an explanatory note on the issue, before engaging a public campaign.

The present note is written without any animosity against the International Red Cross Committee. On the contrary ! Based in Geneva, our International Service knows the significance of the Red Cross activities for the protection and respect of human rights all over the world.

1. *The limits of the International Red Cross*

In this short note we cannot enter in details in thewhole debate about the mandate, the initiatives and programmes of the International Red Cross Committee (ICRC). But we feel bound to recall some basic facts. According to the Geneva Conventions, the ICRC has a right of initiative : when a certain situation appears to be serious, when for instance a conflict appears to lead to many civilians victims, the ICRC may ask the Government concerned to start with its humanitarian activities. But, this does not mean that the ICRC may automatically enter the country : the authorization of the Government is always a prerequisite. The acceptance of the Government is the condition. The reports of the ICRC are confidential : they are submitted to the authorities concerned, they are not published. A Government has therefore the possibility to accept or to refuse the presence of the ICRC. It may also reveal the conclusions of the ICRC (after its visits to prisons), but in that case the Government is bound to publish the whole report of the ICRC. Finally, the ICRC always asks for the right to visit, without warnings, all the prisons where political detainees may be detained, and to come back to the place of detention, at any moment, to verify its findings. But, here also the Government does decide. This is the very limit in the work of the ICRC, which solidarity committees have to appreciate : all depens on the good will of the Government concerned.

To this reality, one has to add another self-evidency : motivated by its objectives, the ICRC shall always be inclined to do its utmost to visit some places of detention, to provide some material assistance to victims. A limited presence is better than no presence, and an even strict restricted

3, rue argand ch-1201 geneva tel. 022/322.141

assistance programme is better than no assistance at all. Thus, one has also to appreciate that the ICRC on the one hand exerts pressures on the Government, and simultaneously on the other hand is inclined to accept restrictions in order to help as many victims as possible.

./. One'll find in the appendix 1 a more detailed description of the basis for the action of the ICRC, given by Mr. Jean-François LABARTHE who has been responsible for the visits of prisons inside the ICRC.

2. *The ICRC in East Timor*

As agreed during the Amsterdam meeting, Jean-Pierre CATRY is preparing a detailed survey of ICRC's activities in East Timor since 1979. Thus, we just mention here the main elements.

With the acceptance of the Portuguese authorities, the ICRC entered in East Timor during the internal conflict, in August 1975. With the Indonesian invasion, the ICRC was forced to leave East Timor in December 1975. It was only four years later that the ICRC was allowed by the Indonesian forces to come back (October 1979). Facing many hindrances (the ICRC was allowed to visit two places of detention only, and the last visit was dated November 1982), and seing the brutality of a new military operation, the ICRC decided in July 1983 to withdraw from East Timor (keeping nevertheless its assistance programme on the island of Atauro). This decision has been made public (see the monthly bulletin of the ICRC of October 1983, No. 93).

In 1984 the ICRC has been authorised to visits once some prisons. In 1985, the ICRC visited in one mission 25 villages, whilst shorts visits could take place to 2 prisons in East Timor.

In the meanwhile, the ICRC pursued its assistance programme on Atauro (where thousands of Timorese have been deported), as well as a modest emigration programme aiming at the reunification of some families.

Summarizing, the activities of the ICRC have been very limited in East Timor :

- absence during the first four years of the occupation (1975-1979),
- no rights of initiative inside East Timor after October 1979, no opportunity to visit without previous warnings and repeatedly all the detention centers and all the agglomerations,
- no opportunity to investigate on the lot of displaced and disappeared persons,
- no permanent presence after July 1983, all this implying the opportunity for the Indonesian forces to *prepare carefully the exceptionnal visits to the small number of places approved at the right moment*.

By stating this, one should of course add that this modest contribution of the ICRC to the improvement of the situation hsa been positive for the material conditions of hundreds of Timorese, especially on the island of Atauro.

3. *The ICRC activities and the Indonesian propaganda*

Notwithstanding all the efforts of the Indonesian diplomacy to stop inside international fora the debate on the situation in East Timor (including the linkage of highly interested contracts, especially on the fiels of arms purchases to diplomatic support), the issue is still discussed in the European Parliament, in the Non-Aligned Movement and in the United Nations (Decolonization Committee, Sub-Commission on the Prevention of Racial Discrimination and Commission on Human Rights).

In front of this situation, the Indonesian diplomacy on the one hand argues with the accomplished fact (after so many years the presence in being

presented as a definitive fact), and on the other hand tries to find some arguments, one should say *alibis*, to be offered to Western countries, so that they could their pro-Indonesian stands. The only arguments used by the Indonesian diplomacy are :

- the increase of the Indonesian programmes for East Timor (which is not surprising at all : the new roads are usefull for the occupation army, the medical centres for the birth control programme, the schools for the cultural integration, the autochthon language, the tetum, not being authorized, etc),
- the presence of some development organizations (Catholic Relief Service, Missio, Misereor, World Bank) and the few and carefully coached visits as illustrations of the accessibility of the territory,
- the activities of the ICRC as an illustration of the improvement (claimed) of the human rights situation in East Timor.

The first two arguments are generally not considered as very serious evidencies for the Indonesian claims. The ICRC-argument on the contrary has a larger credibility, just because of the high reputation of the ICRC inside the world community. *And this is a major element in the question of the ICRC policy towards the Indonesian authorities.*

There is no UN meeting focused on human rights without documents from the Indonesian diplomacy stressing the new facilities given to the ICRC for operating in East Timor. Official Indonesian statements in the public debate always mention ICRC operations (avoiding for obvious reasons to precise the limits imposed on these operations). And Indonesian statements in the private (and therefore confidential) debates of both the Commission and the Sub-Commission of the U.N. even quote (of course the positive) parts of the ICRC reports to the Government of Djakarta. And no single Governmental delegation does try to counter this mendacious propaganda (some NGO's do it, but in the public sessions only, whilst many important decisions are taken in the private debates). Moreover, the Indonesian delegation always distributes files to the Governmental delegations, which include copies of (positive) ICRC publications.

4. *The attitude of the ICRC*

We already pointed out that one should bear in mind the constraints under which the ICRC is striving towards its mandate, especially with a brutal and intransigent regime like the Indonesian one. The above description of the U.N. debate on Timor nevertheless shows how huge is the responsibility of the ICRC in this matter : during its 1985 session, the Commission on Human Rights even decided during its private debate to stop the study on the situation in East Timor, after the divulgation by the Indonesian delegation of parts of the ICRC report.

In front of this situation, the ICRC attitude has been deceptive (and this is a moderate expression of the feelings of many NGO's). During the 1984, 1985 and 1986 sessions of the Commission on Human Rights, many NGO's and even Western Governmental delegations took contact with ICRC-observers, asking them to react to the false (or at least incomplete) informations spread by the Indonesian delegation. One even suggested to the ICRC-observers not to counter the Indonesians in public statements, but to limit their reaction to private talks with some Western delegations. In spite of all this, no single stap has been undertaken by these observers.

Even more anxious and disturbed are we at stating that before both the '85 and '86 sessions of the U.N. Commission on Human Rights, the ICRC published articles in its bulletin about its activities in East Timor: in November 1984 it was a full-page narration by a nurse about her visits and activities in Atauro (no mention was made of the situation in Timor). In February 1986 (the

first week on the session of the Commission), a large article was published, describing all the ICRC activities, without indicating their limits (e.g. mention was made of 301 detainees visited in two places of detention on Timor, without indicating that there are more prisonners and places of detention). The article also reported on the general agreement signed between the ICRC and Indonesia.

In both cases, the Indonesia delegation immediately used these informations : the articles of the ICRC-bulletin were reproduced and widely distributed, of course with the comment that there were no longer problems with the humanitarian organization.

Thus. these articles, as well as the extracts of the confidential ICRC-report distributed by the Indonesian delegation to foreign diplomats, give a misleading image of the situation. *The ICRC should react and oppose that Indonesia continues in exploiting the Red Cross to its political advantage.*

But, so far, during the sessions of the Commission and Sub-Commission of the U.N. no stap was undertaken by the ICRC representatives. Some critics pretend that the reason for this *"is the quid pro quo for the Red Cross being allowed to operatein Timor at all", but this is an interpretation.* The most important seems to be to ask the ICRC to take a more clear and public stand on the matter, like it already did in the past in similar cases (e.g. the rectification of the ICRC concerning El Salvador during the 1984 session of the Commission on Human Rights).

Geneva, July 17/1986
Adrien-Claude Zoller